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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,426	02/04/2002	Alan J. Davie	GB 010017	7854

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

PERSINO, RAYMOND B

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/067,426	Applicant(s) DAVIE ET AL.	
	Examiner Raymond B. Persino	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11-14 are rejected under 35 U.S.C. 102(e) as being anticipated by LIN (US 6,259,362 B1).

Regarding claim 11, LIN discloses a transponder, comprising: a battery (42 of figure 2); a microcontroller (60 of figure 2) connected to the battery; a passive receiver (72 of figure 2) coupled to the microcontroller; an active transceiver (56 of figure 2); and a switching circuit (done in 56 but controlled by 60 via 62, of figure 2) coupled to the microcontroller to receive at least one control signal from the microcontroller; and further coupled to the active transceiver to enable and disable operation of the active transceiver; wherein the active transceiver, once enabled, receives power from the battery (column 3 line 9 to column 6 line 32).

Regarding claim 12, see the rejection of the parent claim concerning the subject matter this claim depends from. LIN further discloses that the active transceiver, once disabled, does not radiate signals (column 4 lines 54-64).

Regarding claim 13, see the rejection of the parent claim concerning the subject matter this claim depends from. LIN further discloses that transponder further comprises a plurality of environmental sensors coupled to the microcontroller (push buttons, 122 and 124 of figure 2).

Regarding claim 14, see the rejection of the parent claim concerning the subject matter this claim depends from. LIN further discloses that the microcontroller and the plurality of environmental sensors are adapted to continue operation while the active transceiver is disabled (column 4 lines 6-17 and column 6 lines 11-20).

Allowable Subject Matter

3. Claims 1-9 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 7, the applicant's amendment has overcome the closest prior art of ROTZOLL (US 5,790,946 A), KATAYAMA (US 5,113,184 A), and URBAS et al (US 5,532,686 A). See the rejections on the claims based upon this prior art in the last office action. The applicant's arguments on pages 7 and 8 persuasively distinguish the amended claims 1 and 7 from the prior art. Moreover, no additional prior art has been discovered that would anticipate or render obvious the claim. Therefore, the applicant's inventions of claims 1 and 7, when considered in its entirety, comprises a unique combination of subject matter that is neither taught nor suggested by the prior art.

Response to Arguments

5. Applicant's arguments, see pages 7 and 8 of the amendment, filed 9/10/2004, with respect to claims 1 and 7 have been fully considered and are persuasive. The rejections of claims 1-9 has been withdrawn.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

YOSHIKAZU (GB 2224183 A)

TSUBOUCHI et al (US 5,995,806 A)

ROZ (US 6,462,647 B1)

BARBER et al (US 6,724,312 A)

IANELLI et al (US 6,788,204 B1)

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond B. Persino whose telephone number is (703) 308-7528. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond B. Persino
Examiner
Art Unit 2682

RP

RP


LEE NGUYEN
PRIMARY EXAMINER